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**PATENT APPLICATION  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/698,648  
Applicant: Steven L. Eaton et al.  
Filed: October 31, 2003  
Title: AUTOMATED REALTY TRANSFER

Art Unit: 3629  
Examiner: Naresh Vig

Docket No.: LDC100AUS

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**Appeal Brief under 37 C.F.R. §41.37**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This appeal brief is submitted as required under 37 CFR § 41.37 in support of an appeal from the final rejection under 35 USC § 112, first paragraph and second paragraph, and 35 USC § 103(a) of Claims 1-6, 8-26, 28-46, and 48-60 presented for appeal in the application. Claims 1-75 remain in the application. Claims 1-6, 8-26, 28-46, and 48-60 were elected in response to a restriction requirement dated July 21, 2005. Claims 1-6, 8-26, 28-46, and 48-60 were finally rejected in an Office Action dated September 14, 2007. A timely Notice of Appeal was submitted under a certificate of mailing under 37 CFR § 1.8(a) dated December 14, 2007.

The appropriate fee under 37 CFR § 41.20(b)(2) in the amount of \$255.00 is enclosed herewith. Also, a check in the amount of 60.00 is enclosed herewith for a one month extension of time. If any further fee is found to be due, the Commissioner is authorized to charge such to Deposit Account No. 22-0212.

**Table of Contents**

I.	Real Party in Interest begins on page:	3
II.	Related Appeals and Interferences begin on page:	3
III.	Status of the Claims begins on page:	3
IV.	Status of Amendments begins on page:	4
V.	Summary of the Claimed Subject Matter begins on page:	4
VI.	Grounds of Rejection to be Reviewed on Appeal begin on page:	18
VII.	Arguments begin on page:	19
VIII.	Claim Appendix begins on page:	51
IX.	Evidence Appendix begins on page:	61
X.	Related Proceedings Appendix begins on page:	61

**I. Real Party in Interest**

The real party in interest, as evidenced by the recording in the United States Patent and Trademark Office at reel number 015812, frame number 0959, is LIKEGLUE.com, LLC, a corporation of Michigan.

**II. Related Appeals and Interferences**

There are no related appeals and/or interferences regarding this application.

**III. Status of the Claims**

Claims 1-6, 8-26, 28-46, and 48-60 stand finally rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-6, 8-26, 28-46, and 48-60 stand finally rejected under 35 USC § 112, second paragraph, as being vague and indefinite.

Claims 1-6, 8-26, 28-46, and 48-60 stand finally rejected under 35 USC § 103(a) as being unpatentable over the teachings of Raveis, U.S. Patent Publication No. 2002/0049624 in view of the teachings of Watanabe, Japanese Patent No. 2001-274946.

Claims 1-6, 8-26, 28-46, and 48-60, the finally rejected claims in this application, are the only claims pending in this application. Therefore, Claims 1-6, 8-26, 28-46, and 48-60, the finally rejected claims in this application, are herein being appealed. Clean copies of these claims, as they were amended during the prosecution of this application, are set forth in the enclosed Claim Appendix attached hereto. The status of each claim in the application is as follows:

Claims 1-6:	Rejected
Claim 7:	Withdrawn
Claims 8-26:	Rejected
Claim 27:	Withdrawn
Claims 28-46:	Rejected
Claims 47:	Withdrawn
Claims 48-60:	Rejected
Claims 61-75:	Withdrawn

#### **IV. Status of Amendments**

A reply to the Final Office Action and amendment under 37 CFR § 1.116 was filed on November 14, 2007 and received by the Patent Office on November 19, 2007. In response, on November 28, 2007, the Examiner mailed an Advisory Action before the filing of an Appeal Brief indicating that the proposed amendment, for purposes of appeal, will not be entered in the file wrapper.

#### **V. Summary of the Claimed Subject Matter**

Appellants' invention is a centralized system and method for automating the process of transferring real estate (page 3, lines 4-8). The invention is performed on one or more servers and is carried out over a distributed computer network that is connected between servers and a plurality of client computers (page 3, lines 5-8). Appellants teach that a real estate record (page 3, lines 8-9) identity is created on the server and information is received thereon from a plurality

of sources including real estate databases, computer input devices, facsimile equipment, electronic mail systems, and the like (page 3, lines 8-9). The received information is then associated with the real estate record identity using a record identifier associated with the real estate record identity and thereafter, the information is stored on the server according to the real estate record identity (page 3, lines 12-14). In one embodiment of the present invention, the information is received by receiving a faxed communication from any fax source that is capable of contacting the server irrespective of the faxed number of the fax source (page 3, lines 15-19). In other words, the server need not recognize a faxed number of the fax source. More importantly, the invention includes server software that prompts a sender of the faxed communication to input the real estate record identity into the fax source (page 48, lines 26-29).

This is accomplished by using the fax key pad which the user then uses to input the real estate record identity (page 48, lines 25-30). Once the record identity is inputted by the fax sender, it is recognized by the server, and the server software is capable of converting the faxed communication into a digital document directly that represents the information to be associated and stored (page 49, lines 1-5). The server software then determines whether the input record identifier matches any of the number of real estate record identities that are stored on the server (page 48, lines 5-9). If this determination is negative, then the digital document is discarded (page 49, lines 15-17), but if it is positive, then the digital document is saved on the server and accord with its matching real estate record identity (page 49, lines 9-15).

A similar process is used in receiving email communication associated with the real estate transfer (Figures 11a and 11b; pages 51-52, lines 54-22). Accordingly, the system and method for automating real estate transfers is able to be controlled by a broker such that all

communications associated with the real estate transfer can be stored in a real estate record identity on at least a server and carried over the distributed computer network to a plurality of client computers (page 4, paragraph 13). The real estate broker can restrict third party participation in the real estate transfer, as well as establish calendar templates to be used by real estate agents, as well as limit the various parties associated with the real estate transfer to access the system so that these may actively participate in the automated transaction simply by using either a fax machine or direct access through the internet (page 6, paragraph 33). As is clearly set forth, Appellants further teach, in conjunction with the use of the real estate transfer system, a tiered security level (page 11, section V et seq.) for the various users of the real estate transfer process.

Below is a claim chart setting forth references to page and line numbers of the specification as filed for each element of the independent and dependent claims as required pursuant to 37 CFR § 41.37(c)(1)(v).

Claim 1. A method for automating phases of real estate transfers, said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers, said method comprising the steps of:	) } ) ) )
creating a real estate record on said at least one server;	Pg. 3, lines 4-8, Fig. 1
assigning a record identifier to the real estate record;	Pg. 6, lines 15-17
receiving information from any fax source	Pg. 31, lines 5-7 Pg. 48, lines 6-16

capable of contacting said at least one server irrespective of a fax number of said fax source;	
prompting a sender of said information to input said record identifier into said fax source;	Pg. 48, lines 26-33 & Pg. 49, lines 19-27
associating said information to said real estate record using the record identifier; and	Pg. 3, lines 12-24, Pg. 50, lines 18-33 & Fig. 10b
storing said information on said at least one server in association with said real estate record.	Pg. 50, lines 25-33 & Fig. 10b
Claim 2. The method as claimed in claim 1, wherein said receiving step includes receiving at least some portion of a property listing from a multiple listing service.	Pg. 9, lines 31-33 Pg. 10, lines 1-4 Pg. 20, lines 19-26
Claim 3. The method as claimed in claim 1, further comprising the step of transmitting at least a portion of said real estate record to a multiple listing service.	Pg. 10, lines 5-11
Claim 4. The method as claimed in claim 1, further comprising: converting said information into a digital document to be associated and stored in accord with said associating and storing steps.	Pg. 3, lines 15-22 Pg. 49, lines 1-3
Claim 5. The method as claimed in claim 4, wherein said associating step comprises: determining whether said record identifier matches any of a number of a plurality of real estate records; and	Pg. 3, lines 22-23

discarding said digital document if said determining step is negative.	Pg. 50, lines 18-24
Claim 6. The method as claimed in claim 5, wherein said storing step comprises saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.	Pg. 49, lines 5-10 Pg. 49, lines 7-10
Claim 8. The method as claimed in claim 1, wherein said receiving step includes a listing agent reviewing said information and granting view rights to authenticated users, such that said users can access and view a digital representation of said information.	Pg. 48, lines 1-3 Pg. 53, lines 18-20
Claim 9. The method as claimed in claim 8, wherein said receiving step further includes said listing agent marking said information as secured or unsecured.	Pg. 38, lines 12-18
Claim 10. The method as claimed in claim 1, further comprising the step of providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.	Pg. 24, lines 11-18 Pg. 38, lines 19-23 Pg. 48, lines 1-4
Claim 11. The method as claimed in claim 1, further comprising the step of providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users.	Pg. 14, lines 21-26 Pg. 15, lines 1-3



Claim 12. The method as claimed in claim 1, further comprising the step of tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like.	Pg. 15, lines 1-3; Pg. 15, lines 28-31; Fig. 7; Pg. 19, lines 24-29
Claim 13. The method as claimed in claim 1, wherein said method is administered by a real estate broker.	Pg. 6, lines 4-6 Pg. 6, lines 11-14
Claim 14. The method as claimed in claim 13, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.	Pg. 14, lines 18-20 Pg. 17, lines 1-3 Pg. 20, lines 11-14
Claim 15. The method as claimed in claim 13, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.	Pg. 37, lines 8-13 Pg. 40, lines 11-16
Claim 16. The method as claimed in claim 15, further comprising the step of automatically generating a schedule for said real estate record from said scheduling master template.	Pg. 38, lines 24-28 Pg. 39, lines 7-14 Pg. 40, lines 4-10
Claim 17. The method as claimed in claim 16, wherein said generating step includes said schedule being automatically populated with a plurality of tasks and associated dates.	Pg. 40, lines 27-33 Pg. 41, lines 1-13
Claim 18. The method as claimed in claim 1, further comprising	Pg. 5, lines 1-4

the step of automatically generating email communications to one or more of a plurality of users based on the happening of an event.	Pg. 15, lines 28-31 Pg. 45, lines 14-17
Claim 19. The method as claimed in claim 1, further comprising the step of automatically generating an email communication containing advertising information from said real estate record.	Pg. 35, lines 14-27 Pg. 36, lines 7-10 Pg. 45, lines 14-17
Claim 20. The method as claimed in claim 1, further comprising the step of generating reports from said real estate record.	Pg. 22, lines 22-23 Pg. 23, lines 14-16 Pg. 55 through Pg. 61, lines 1-6
Claim 21. A system for automating phases of real estate transfers, said system comprising:  at least one server in a centralized location;  a distributed computer network in communication with said at least one server;  a plurality of client computers in communication with said distributed computer network;  means for creating a real estate record on said at least one server;  means for assigning a record identifier to the real estate record;	  Pg. 3, lines 4-8, Fig. 1  Pg. 3, lines 4-8, Fig. 1  Pg. 3, lines 4-8 Pg. 7, lines 17-22 Fig. 1  Pg. 3, lines 8-10 Pg. 31, lines 5-7
means for receiving information from any fax source capable of contacting said at least one server irrespective of a fax number of said	Pg. 48, lines 26-33 Pg. 49, lines 1-5

fax source;	Fig. 10a
means for prompting a sender of said information to input said record identifier into said fax source;	Pg. 48, lines 26-29 Figure 10a
means for associating said information to said real estate record using a record identifier associated with said real estate record; and	Pg. 48, lines 31-33
means for storing said information on said at least one server in association with said real estate record.	Pg. 49, lines 5-10
Claim 22. The system as claimed in claim 21, wherein said means for receiving includes means for receiving at least some portion of a property listing from a multiple listing service.	Pg. 9, lines 31-33 Pg. 10, lines 1-4 Pg. 20, lines 19-26
Claim 23. The system as claimed in claim 21, further comprising means for transmitting at least a portion of said real estate record to a multiple listing service.	Pg. 10, lines 5-11
Claim 24. The system as claimed in claim 21, further comprising: means for converting said information into a digital document to be associated and stored in accord with said means for associating and said means for storing.	Pg. 3, lines 15-25 Pg. 49, lines 1-3
Claim 25. The system as claimed in claim 24, wherein said means for associating comprises: means for determining whether said record identifier matches any of a number of a plurality of real estate records; and means for discarding said digital document if said means for determining is negative.	Pg. 3, lines 22-23 Pg. 50, lines 18-24

Claim 26. The system as claimed in claim 25, wherein said means for storing comprises means for saving said digital document on said at least one server in accord with a matching real estate record if said means for determining is positive.	Pg. 49, lines 5-10 Pg. 49, lines 7-10
Claim 28. The system as claimed in claim 21, wherein said means for receiving includes a listing agent reviewing said information and granting view rights to authenticated users, such that said users can access and view a digital representation of said information.	Pg. 48, lines 1-3 Pg. 53, lines 18-20
Claim 29. The system as claimed in claim 28, wherein said means for receiving further includes said listing agent marking said information as secured or unsecured.	Pg. 38, lines 12-18
Claim 30. The system as claimed in claim 21, further comprising means for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.	Pg. 24, lines 11-18 Pg. 38, lines 19-23 Pg. 48, lines 1-4
Claim 31. The system as claimed in claim 21, further comprising means for providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users.	Pg. 14, lines 21-26 Pg. 15, lines 1-3
Claim 32. The system as claimed in claim 21, further comprising means for tracking activity on said at least one server so as to provide an	Pg. 15, lines 1-3

audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like.	Pg. 15, lines 28-31 Fig. 7 Pg. 19, lines 24-29 Pg. 54, lines 1-29
Claim 33. The system as claimed in claim 21, wherein said system is administered by a real estate broker.	Pg. 6, lines 4-6 Pg. 6, lines 11-14
Claim 34. The system as claimed in claim 33, further comprising means for controlling at least a portion of said information by said real estate broker, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.	Pg. 14, lines 18-20 Pg. 17, lines 1-3 Pg. 20, lines 11-14
Claim 35. The system as claimed in claim 33, further comprising means for controlling at least a portion of said information by said real estate broker, said at least a portion of said information including a scheduling master template.	Pg. 37, lines 8-13 Pg. 40, lines 11-16
Claim 36. The system as claimed in claim 35, further comprising means for automatically generating a schedule for said real estate record from said scheduling master template.	Pg. 38, lines 24-28 Pg. 39, lines 7-14 Pg. 40, lines 4-10
Claim 37. The system as claimed in claim 36, wherein said means for generating includes said schedule being automatically populated with a plurality of tasks and associated dates.	Pg. 40, lines 27-33 Pg. 41, lines 1-13
Claim 38. The system as claimed in claim 21, further comprising means for automatically generating email communications to one or	Pg. 5, lines 1-4 Pg. 15, lines 28-31

more of a plurality of users based on the happening of an event.	Pg. 45, lines 14-17
Claim 39. The system as claimed in claim 21, further comprising means for automatically generating an email communication containing advertising information from said real estate record.	Pg. 35, lines 14-27 Pg. 36, lines 7-10 Pg. 45, lines 14-17
Claim 40. The system as claimed in claim 21, further comprising means for generating reports from said real estate record.	Pg. 22, lines 22-23 Pg. 23, lines 14-16 Pg. 55-61, lines 1-6
Claim 41. A computer readable medium on which is stored computer program code, said computer program code implementing a method for automating real estate transfers, said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers, said method comprising the steps of:	
creating a real estate record on said at least one server;	Pg. 6, lines 15-17
assigning a record identifier to the real estate record;	Pg. 31, lines 5-7
receiving information from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source;	Pg. 48, lines 6-16
prompting a sender of said information to input said record identifier into said fax source;	Pg. 48, lines 26-33 Fig. 10a Pg. 49, lines 19-27
associating said information to said real estate record using a record identifier associated with said real estate record; and	Pg. 50, lines 18-33 Fig. 10b

storing said information on said at least one server in association with said real estate record.	Pg. 50, lines 25-33 Fig. 10b
Claim 42. The computer readable medium as claimed in claim 41, wherein said receiving step includes receiving at least some portion of a property listing from a multiple listing service.	Pg. 9, lines 31-33 Pg. 10, lines 1-4 Pg. 20, lines 19-26
Claim 43. The computer readable medium as claimed in claim 41, further comprising the step of transmitting at least a portion of said real estate record to a multiple listing service.	Pg. 10, lines 5-11
Claim 44. The computer readable medium as claimed in claim 41, further comprising: converting said information into a digital document to be associated and stored in accord with said associating and storing steps.	Pg. 3, lines 15-25 Pg. 49, lines 1-3
Claim 45. The computer readable medium as claimed in claim 44, wherein said associating step comprises: determining whether said record identifier matches any of a number of a plurality of real estate records; and discarding said digital document if said determining step is negative.	Pg. 3, lines 22-23 Pg. 50, lines 18-24
Claim 46. The computer readable medium as claimed in claim 45, wherein said storing step comprises saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.	Pg. 49, lines 5-10 Pg. 49, lines 7-10

Claim 48. The computer readable medium as claimed in claim 41, wherein said receiving step includes a listing agent reviewing said information and granting view rights to authenticated users, such that said users can access and view a digital representation of said information.	Pg. 48, lines 1-3 Pg. 53, lines 18-20
Claim 49. The computer readable medium as claimed in claim 48, wherein said receiving step further includes said listing agent marking said information as secured or unsecured.	Pg. 38, lines 12-18
Claim 50. The computer readable medium as claimed in claim 41, further comprising the step of providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.	Pg. 24, lines 11-18 Pg. 38, lines 19-23 Pg. 48, lines 1-4
Claim 51. The computer readable medium as claimed in claim 41, further comprising the step of providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users.	Pg. 14, lines 21-26 Pg. 15, lines 1-3
Claim 52. The computer readable medium as claimed in claim 41, further comprising the step of tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record	Pg. 15, lines 1-3 Pg. 15, lines 23-31



such as date of access, user identification, and the like.	Fig. 7 Pg. 19, lines 24-29 Pg. 54, lines 1-29
Claim 53. The computer readable medium as claimed in claim 41, wherein said computer readable medium is administered by a real estate broker.	Pg. 6, lines 4-6 Pg. 6, lines 11-14
Claim 54. The computer readable medium as claimed in claim 53, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.	Pg. 14, lines 18-20 Pg. 17, lines 1-3 Pg. 20, lines 11-14
Claim 55. The computer readable medium as claimed in claim 53, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.	Pg. 37, lines 8-13 Pg. 40, lines 11-16
Claim 56. The computer readable medium as claimed in claim 55, further comprising the step of automatically generating a schedule for said real estate record from said scheduling master template.	Pg. 38, lines 24-28 Pg. 39, lines 7-14 Pg. 40, lines 4-10
Claim 57. The computer readable medium as claimed in claim 56, wherein said generating step includes said schedule being automatically populated with a plurality of tasks and associated dates.	Pg. 40, lines 27-33 Pg. 41, lines 1-13

Claim 58. The computer readable medium as claimed in claim 41, further comprising the step of automatically generating email communications to one or more of a plurality of users based on the happening of an event.	Pg. 5, lines 1-4 Pg. 15, lines 28-31 Pg. 45, lines 14-17
Claim 59. The computer readable medium as claimed in claim 41, further comprising the step of automatically generating an email communication containing advertising information from said real estate record.	Pg. 35, lines 14-27 Pg. 36, lines 7-10 Pg. 45, lines 14-17
Claim 60. The computer readable medium as claimed in claim 41, further comprising the step of generating reports from said real estate record.	Pg. 22, lines 22-23 Pg. 23, lines 14-16 Pg. 55-61, lines 1-6

**VI. Grounds of Rejection to be Reviewed on Appeal**

1. Is the rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention proper as a matter of law?
2. Is the rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC §112, second paragraph, as being vague and indefinite proper as a matter of law?
3. Is the rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC §103(a) as being unpatentable over the teachings of Raveis, U.S. Patent Publication No. 2002/0049624 in

view of the teachings of Watanabe, Japanese Patent No. 2001-274946 proper as a matter of law?

## **VII. Arguments**

### **Issue No. 1:**

*The rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC §112, first paragraph, is improper as a matter of law and this issue should be resolved in Appellants favor.*

The Examiner rejected Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. In the rationale from the Office Action, it is asserted that “the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention” and “Applicant has not disclosed how for example a thermal fax machine which is capable of contacting at least one server (a server with fax capability like commercially available IBM AS/400 which can run applications as well as fax server) is sent a prompt for the sender to input said record identifier because the telephone line is busy with the communication between the thermal fax machine and the server, and also, how does the sender know the record identifier associated with the real estate record.” Further, with respect to Claims 3, 23, and 43, the Office Action sets forth that “Applicant has not disclosed how a portion of the fax is sent to MLS when there is not a conversion like for example OCR is done on the received fax to extract the data which is sent to MLS.”

First, the undersigned wishes to address the untimeliness of the rejection as stated in MPEP § 2164.04:

“In accordance with the principles of compact prosecution, if an enablement rejection is appropriate, the first Office action on the merits should present the best case with all the relevant reasons, issues, and evidence so that all such rejections can be withdrawn if applicant provides appropriate convincing arguments and/or evidence in rebuttal. . . . The principles of compact prosecution also dictate that if an enablement rejection is appropriate and the examiner recognizes limitations that would render the claims enabled, the examiner should note such limitations to applicant as early in the prosecution as possible.

In other words, the examiner should always look for enabled, allowable subject matter and communicate to applicant what that subject matter is at the earliest point possible in the prosecution of the application.” (emphasis added)

If the 35 USC § 112, first paragraph, rejection had any basis in fact or law at all, then it certainly would have warranted being raised from the outset. Moreover, Appellants did not remove subject matter from their originally filed claims that could have warranted this late rejection. Therefore, the fact that this rejection was not initially set forth in the first Office Action is strong evidence that it is entirely without merit.

In response to the rejection, it is well known that the first paragraph of § 112 of the Patent Act requires that a patent application include a written description of the invention, and of the manner in process and using it, in such full, clear, concise, and exact terms as to enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same. Further, to be enabling, the specification of the patent must teach those skilled in the art how to make and use the full scope of the claimed invention without undue experimentation. *In re Wright*, 999 F.2d 1557, 1561, 27 USPQ2d 1510 (Fed. Cir. 1993). In view of this statutory requirement, the Appellants have set forth a preferred embodiment of the invention and the manner of using the invention in such full, clear, concise and exact terms as to enable a skilled artisan to make and use the same, beginning on page 47, lines 13-34 and continuing through page 51, lines 1-3. As is clear from the language in the independent claims, and from the preferred

embodiment set forth in the specification recited above, the information is received from a fax source which is capable of contacting the server irrespective of the fax number and fax source. The Examiner's rejection highlights a specific fax machine yet fails to set forth the capability of this machine but questions how this machine would send out a prompt for the sender to input the record identifier. Clearly, this information is within the realm of a person ordinarily skilled in the art and since the Examiner admits that the fax machine is capable of contacting the server, the question posed by the Examiner would easily be explainable by a person skilled in the art. Even if the person skilled in the art would not know the specific answer to this question, the statute clearly provides that the specification of the patent must teach those skilled in the art how to make and use the full scope of the claimed invention without "undue experimentation". Even if some limited experimentation was necessary, this is certainly taken into account by these statutory provisions. Accordingly, as long as the fax machine is capable of contacting the server, a person skilled in the art could easily work out a protocol to ensure that a prompt could easily be made to the sender in order to input the record identifier. The fact that some experimentation may be necessary does not preclude enablement; what is required is that the amount of experimentation "must not be unduly extensive." *Atlas Powder Co. v. E.I. Dupont de Nemours & Co.*, 750 F2d. 1569, 1576 224 USPQ 409, 413 (Fed. Cir. 1984). Further, it is well known that it is not required that every embodiment of any disclosure be operative in order to be enabling under 35 USC § 112, first paragraph. *Atlas Powder Co. v. E.I. Dupont de Nemours & Co.*, supra, *In re Geerdes*, 491 F2d. 1260, 180 USPQ 789 (CCPA 1974).

Further, with respect to Claims 3, 23, and 43 it is clear that a person skilled in the art is amply qualified to determine conversions for various formats of communications which is a

direct function of the type of equipment available to perform the communication. Accordingly, the fact that converting to a different format in order to communicate data has not been disclosed is certainly well within the realm of a person skilled in the art.

In summary, Appellants respectfully submit, at least for the reasons presented above, that the present application includes sufficient enabling disclosure for the claimed invention. The Appellants have disclosed their invention in conformance with 35 USC § 112 by disclosing sufficient detail of the invention to enable one skilled in the art to make and practice the invention without undue experimentation when the totality of the application is reviewed having in mind the nature of the invention, the state of the art and relative skill of those in the art. In other words, one skilled in the art, when reviewing the detailed description of the present invention, together with the drawings, would be able to make and use the present invention without undue experimentation since the invention is directed to a novel arrangement of modified components, varying in ways from known components which are respectively apparent from such known components and Appellants' disclosure. The rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC § 112, first paragraph, and specifically Claims 3, 23, and 43 is improper as a matter of law and this honorable Board should reverse the Examiner's decision and resolve this issue in Appellants favor.

## **Issue No. 2**

### *Claim Rejections under 35 USC § 112, second paragraph*

The Examiner rejected Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC § 112, second paragraph, as being vague and indefinite. It is the Examiner's contention that:

- a. Appellants have not positively claimed how a sender of a fax to the server knows the identification associated with the real estate record to be able to respond to the prompt by the server;
- b. The association of the information received is associated with the proper real estate record;
- c. Appellants have not positively claimed how the system approves the information received; and
- d. Appellants have not positively claimed how the claimed invention automatically makes a decision on what access rights should be assigned to the received information.

- a. As set forth in MPEP § 2173.02

The test for definiteness under 35 USC § 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Further at MPEP § 2173.05

Although a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the specification into the claims. See *In re Prater*, 415, F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975), which discuss the premise that one cannot rely on the specification to impart limitations to the claim that are not recited in the claim.

Appellants submit that all the claims on appeal have been drafted with a reasonable degree of particularity and distinctiveness such that it is not necessary to recite further details clearly described in the specification as part of the claimed language.

As clearly set forth beginning on page 11, subsection IV entitled “Security” discloses a complete protocol or business rules for every user of the invention. Further, in paragraph no. 105, the listing agent is disclosed as maintaining all information for a real estate listing and in paragraph no. 109, only the listing agent can add new listings. Also in paragraph no. 179, it is clear that only listing agents assign view rights and may change these view rights or access rights for documents attached to the property listings.

Page 47, lines 16 et seq. in conjunction with the illustration of Figures 2 and 9, discloses how digital documents are loaded into the system directly from user files.

Beginning at page 46, ¶ VIII, the Digital Document Management features are described in conjunction with the illustrations of Figure 9. On page 47, lines 16 et seq. the user is disclosed to be a person that has proper login credentials. This user creates and stores a document file of the real estate listing which is prepared by the listing agent. These documents contain the Document Routing Number or mailbox number which was assigned to each property listing (see ¶ 134, page 31). Therefore as set forth on page 48, line 26:

“After dialing the central fax number, but prior to sending the fax, the person 70 is voice prompted to enter a mailbox number (aka the Document Routing Number which was discussed previously above) by a procedure or fax manager software that is loaded to one or more of the servers of the system of the present invention.”

b. The association of the information received is with the proper real estate property is clearly disclosed at page 3, paragraph 19.

c. How the system approves the information received is the responsibility of the listing agent. Such is disclosed at page 48, lines 1-3, as well as page 53, lines 18-20.



d. The decision on what access rights should be assigned to the received information is initially made by only the listing agent by assigning a user type to a user (paragraph no. 57). The property listing agent thereafter determines the user roles to whom the documents will be visible as well as assigns user rights. Therefore, only documents to which a user has view rights will automatically be selected to be viewed (see paragraph nos. 178-179).

Appellant asserts that the claims as currently pending particularly point out and distinctly claim the subject matter that Appellants regard as the invention, and that the rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC § 112, second paragraph should be reversed for the reason that the rejection is improper as a matter of law.

### **Issue 3**

#### *The 103 Rejection*

Prior to addressing the specific 35 USC §103 rejections set forth by the Examiner, the following sets forth the test to be applied in the examination of each of the 103 rejections.

With respect to the rejections under 35 USC §103, it is noted in MPEP § 706 that the standard of patentability to be followed in the examination of a patent application is that which was enunciated by the Supreme Court in *Graham v. John Deere*, 148 USPQ 459 (1966), where the Court stated:

“Under Section 103, the scope and the content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.”

Accordingly, to establish a prima facie case of obviousness, the Patent Office must: (1) set forth the differences in the claim over the applied references; (2) set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter; and (3) explain why the proposed modifications would be obvious. To satisfy step (3) above, the Patent Office must identify where the prior art provides a motivating suggestion, inference, or implication to make the modifications proposed in step (2) above. *In re Jones*, 21 USPQ2d 1941 (Fed. Cir. 1992).

The mere fact that the prior art may be modified by the Examiner does not make the modification obvious unless the prior art suggests the desirability for the modification. *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1992). In the present case, the Examiner has failed to make a proper prima facie showing of obviousness since the Examiner has failed to show how the prior art suggests the desirability of the proposed modification.

#### Scope and Content of the Prior Art and the Invention

Raveis, U.S. Patent Publication No. 2002/0049624 was cited by the Appellants upon the filing of their application, and is directed to the shortcomings of business models for real estate companies that fail to maintain customer relations and leave a homeowner trying to manage repairs and improvements with little more than a telephone book for assistance (§ 0014).

To prevent these problems, Raveis teaches an improved system and method of using a distributed computer network to facilitate managing customer relationships and the information pertaining thereto in a real estate transaction (§ 0016). In particular, the system and method provides for storing data relating to and coordinating the multitude of tasks associated with the

purchase or sale of a property from contract to close. The method includes the steps of generating a customer record including data entry fields for entering an estimated completion date and an actual completion date for each of a plurality of stages of a real estate transaction; providing a customer access to the customer record over a distributed computer network to facilitate the entry, by the customer, of estimated and actual completion dates for the stages of the real estate transaction (§ 0018); providing a real estate agent access to the customer record over the distributed computer network to facilitate the entry, by the real estate agent, of estimated and actual completion dates for various stages of the real estate transaction (§ 0018); providing a transaction coordinator access to the customer record through a server based application to facilitate the entry, by the transaction coordinator, of estimated and actual completion dates for stages of the real estate transaction in appropriate fields of the customer record (§ 0018); indicating, in an appropriate field of the customer record, an identity of the entrant of an actual completion for a stage of the real estate transaction; and providing a hyperlink from the customer record to a site of a marketing partner associated with a stage of the real estate transaction (§ 0018).

Raveis, Jr. further teaches a similar method to provide an entity access to the customer records, to facilitate entry, by the entity, of estimated and actual completion dates for stages of real estate transactions in appropriate fields of the customer record, wherein the entity is selected from the group consisting of a customer, real estate agent and transaction coordinator; and indicating, in an appropriate field of the customer record, the identity of the entity that entered an actual completion date for a stage of the real estate transaction (§ 0019). Further, Raveis, Jr. teaches that the distributed computing network maybe the internet.

Raveis, Jr. further teaches that transaction tracking involves a series of activities or tasks related to the home sale or home purchase process. Schedules are developed to define a time table, track completed items and include related information, i.e. the transaction tracking process. These schedules are completely different for the home sale and home purchase process. The process of transaction tracking can be classified into distinct stages (§ 0021). Customizable transaction tracking templates allow a combination of different stages to be included within each schedule. The stages included within the transaction process can be contingent upon a number of factors. Some of these factors include, but are not limited to, whether a transaction is a home sale or purchase, real estate practices within specific geographic areas, federal, state and local laws, or real estate broker preferences (§ 0021).

In summary then, it is clear that Raveis, Jr.'s teachings are basically limited to providing access to a customer and a real estate agent to the customer record including fields for entering an estimated date and an actual completion date for each of a plurality of stages of the real estate transactions over the distributed computing network to facilitate entry estimated and actual completion dates for stages of real estate transactions.

Watanabe is directed to labor burdens and compromised conservation goals because a document to be faxed must first be printed out and then transmitted using a fax machine (6) to transmit the document to a destination fax machine (7). (Page 1, Summary; Fig. 5) As a solution to this problem, Watanabe teaches transmitting a special cover sheet having receiver ID information and being attached to the document to be faxed. In accordance with these teachings, Watanabe discloses an electronic filing method. First, a special cover sheet is set into an image scanner (30) (Fig. 1; Fig. 2, ST1; § 0024). Second, image information on the special cover sheet

is acquired into an electronic terminal (23) (Fig. 1; Fig. 2, ST2; ¶ 0025). Third, a communications document (e.g. letter, etc) is imaged at the same time as the special cover sheet (Fig. 3, ST3; ¶ 0025). Fourth, a client using the electronic terminal outputs a transmission request to a fax server (30) (Fig. 1; Fig. 2, ST4; ¶ 0026). Fifth, a reply is received affirming acceptance of the transmission (Fig. 2, ST5; ¶ 0026). Sixth, image information from the special cover sheet is attached to the image information on the communications document, and then output to the fax server (Fig. 2, ST6; ¶ 0026). Seventh, the fax server transmits the image information to a DSP electronic filing device (12) (Fig. 1; Fig. 2, ST7; ¶ 0026). Eighth, the image information is received (Fig. 2, ST8; ¶ 0027). Ninth, the fax server executes a routine for decoding the receiver ID information scripted on the special cover sheet (Fig. 2, ST9; ¶ 0027). Tenth, the fax server specifies a document storage area for a receiver (client) at an electronic filing server (29) and stores the image information of the communications document in the document storage area (Fig. 1; Fig. 2, ST10; ¶ 0028). Eleventh, the fax server issues a reception notice to an electronic terminal (26) being operated by the receiver (client) (Fig. 1; Fig. 2, ST11; ¶ 0029).

Appellants' invention is directed to problems associated with a real estate transfer process which is typically accomplished through an assortment of communication mediums that are not integrated and often not in digital form. Also, in accomplishing this assortment of communications, realtors find themselves carrying out a variety of manual tasks, coordinating schedules of various parties involved in the process or personally delivering and dropping of documents to complete the process. Such traditional process requires a realtor to spend an inordinate amount of time actively managing mundane details, instead of spending time with

more rewarding and value added responsibilities like counseling their clients, the marketing of properties, networking with other real estate professionals, and cross-selling real estate related services.

Numerous prior art real estate project managements offer packages that have been recently developed but present incomplete solutions, in that, they do not address all tasks within all phases of the real estate transfer process from prelisting to post-listing. Most available prior art technology do not provide a comprehensive approach to facilitating the handling of documents throughout the entire real estate transfer process according to existing real estate industry practices, wherein a real estate professional such as a broker, orchestrate all activities associated with the transfer.

Accordingly, Appellants teach automating the process of transforming real estate through the use of a centralized system and method for automating the process of transferring real estate. The invention is performed on one or more servers and is carried out over a distributed computer network that is connected between servers and a plurality of client computers. Appellants teach that a real estate record identity is created on the server and information is received thereon from a plurality of sources including real estate databases, computer input devices, facsimile equipment, electronic mail systems, and the like. The received information is then associated with the real estate record identity using a record identifier associated with the real estate record identity and thereafter the information is stored on the server according to the real estate record identity. In one embodiment of the present invention, the information is received by receiving a faxed communication from any fax source that is capable of contacting the server irrespective of the faxed number of the fax source. In other words, the server need not recognize a faxed

number of the fax source. More importantly, the invention includes server software that prompts a sender of the faxed communication to input the real estate record identity into the fax source.

This is accomplished by using the fax key pad which the user then uses to input the real estate record identity. Once the record identity is input by the fax sender it is recognized by the server, and the server software is capable of converting the faxed communication into a digital document directly that represents the information to be associated and stored. The server software then determines whether the input record identifier matches any of the number of real estate record identities that are stored on the server. If this determination is negative, then the digital document is discarded, but if it is positive, then the digital document is saved on the server and accord with its matching real estate record identity.

A similar process is used in receiving email communication associated with the real estate transfer. Accordingly, the system and method for automating real estate transfers is able to be controlled by a broker such that all communications associated with the real estate transfer can be stored in a real estate record identity on at least a server and carried over the distributed computer network to a plurality of client computers. The real estate broker can restrict third party participation in the real estate transfer, as well as establish calendar templates to be used by real estate agents, as well as limit the various parties associated with the real estate transfer to access the system so that these may actively participate in the automated transaction simply by using either a fax machine or direct access through the internet. As is clearly set forth, Appellants further teach in conjunction with the use of the real estate transfer system, a tiered security level for the various users of the real estate transfer process.

The differences between Appellants' invention and the prior art references cited by the Examiner in the rejection under 35 USC § 103 are quite clear. The solutions taught by each of the references are directed to problems somewhat different than that disclosed by Appellants' invention. For example, Raveis, Jr., is directed to the problems associated with managing customer relations in real estate transactions. Accordingly, a customer record (not a real estate record identity) is generated in Raveis but it is associated with fields to enter estimated completion and actual completion dates for each of a plurality of identified stages of real estate transactions. Further, Watanabe is directed to problems associated with the use of document needed to be transferred via facsimile to a file server. The prior art required that it was first necessary to print out the document and then transmit the document to the destination facsimile by using an initiation facsimile. Accordingly, a significant labor burden was required in accomplishing this process. To avoid this process, Watanabe teaches the use of a special cover sheet on which receiver ID information for identifying receivers is scripted. The cover sheet is attached to the fax and transmitted via fax, as well as received by a fax. The receiver ID information scripted on the special cover sheet is decoded, and after the document storage area for the corresponding receiver has been specified by the receiver ID information on the special cover sheet, the corresponding communication document is stored in the document storage area.

If, as the Examiner suggests, Raveis, Jr. is combined with the teachings of Watanabe in an attempt to obviate Appellants' invention, it is clear from the teachings set forth in both Raveis, Jr., as well as Watanabe that the suggested combination would not result in Appellants' invention and would in fact require extensive additional structure in an attempt to acquire similar results. Even if accomplished, it must be pointed out that if the teachings of Raveis, Jr. are



combined with the teachings of Watanabe the resulting effect would be a method of tracking real estate transaction over a distributed computer network consisting of generating a customer record with entry fields for entering estimated completion and actual completion dates for each of a plurality of stages of a real estate transaction and then associating therewith receiving fax communications having a special cover sheet incorporating thereon receiver ID information for identifying receivers. However, Raveis, Jr. completely fails to define a receiver ID in any way, shape, or form. What is exactly to be done with this faxed communication is certainly not clear from the teachings of Raveis, Jr. or Watanabe, in that, Raveis, Jr. makes absolutely no disclosure with respect to how this faxed communication is to be accommodated into the real estate transaction system by the server software in the form of an estimated or actual completion date of what? Further Watanabe's receiver ID may or may not be an identification and certainly is not a real estate record identity. Accordingly, even if the teachings of Watanabe was combinable with the teachings of Raveis, Jr., it would still require a special cover sheet for faxed communications which is needed to be decoded by the file server network so that it may be stored thereon.

### **Issue No. 3**

*The Rejection of Claims 1-6, 8-26, 28-46, and 48-60 under 35 USC § 103(a) as being unpatentable over the teachings of Raveis, Jr. in view of the teachings of Watanabe is improper as a matter of law and this issue should be resolved in Appellants' favor.*

#### **1. *Incomplete Obviousness Rejection***

Appellants respectfully submit that this rejection under 35 USC § 103 does not follow M.P.E.P § 706.02(j) guidelines which states:

“After indicating that the rejection is under 35 USC § 103, the Examiner should set forth in the Office Action . . . (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification . . . The teaching or suggestion to make the claimed combination and the reasonable expectation of the success must both be found in the prior art and not based on applicant’s disclosure.” *In re Vacek*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed in detail below, Appellants respectfully submit that there is no teaching or suggestion in Raveis, Jr. or Watanabe that their teachings may be combined so as to provide the present invention as recited in the claims and such motivation only comes from Appellants’ disclosure. This approach constitutes impermissible hindsight and must be avoided.

Here, the Final Office Action does not set forth proposed modifications of the applied references. The Office Action merely asserts that it would be obvious “to modify Raveis as taught by Watanabe...” But Watanabe does not even mention Raveis, much less teach any modifications to Raveis. Notably, the Office Action does not propose any specific modifications of each of the Raveis and Watanabe references, as required under M.P.E.P. § 706.02(j), that would be necessary to successfully combine the references to arrive at the claimed subject matter. Appellants assert that this failure is evidence that such a combination is not reasonably desirable or feasible, which militates against the obviousness rejection of Appellants’ invention. In any case, the Office Action does not adequately communicate the basis for the obviousness rejection such that Appellants have not been given a full and fair opportunity to develop a reply. In other words, the Examiner has not articulated a sufficient reason why one skilled in the art

would have modified the prior art and arrived at the presently claimed subject matter. Therefore, Appellants respectfully assert that the Examiner has not met his burden of articulating a *prima facie* case of obviousness.

**2. No *Prima Facie* Case of Obviousness**

The Office Action does not set forth a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness according to MPEP § 706.02(j), the cited references must teach or suggest all of Appellants' claim limitations, and there must be some suggestion to modify or combine reference teachings and a reasonable expectation of success in doing so.

**a. Cited References Are Missing Elements Of Appellants' Invention**

**i. Combination Of Raveis And Watanabe References**

Foremost, it is apparent that the cited references do not teach or suggest all of Appellants' claim limitations. Even assuming, *arguendo*, that there is a suggestion or proposed modification to combine the cited references, there are fundamental differences between the claimed invention and the individual cited references and any combination thereof, such that all of the claim limitations of Appellants' invention are not met by Raveis or Watanabe or any combination thereof. Appellants elect to argue each of the highlighted claims separately.

**Independent Claims 1, 21, and 41**

Appellants' independent Claims 1, 21, and 41 recite, *inter alia*, assigning a record identifier to a real estate record, prompting a sender of information to input a record identifier into a fax source, and associating information received from the fax source to a real estate record using the record identifier.

The Final Office Action generally alleges that Raveis, Jr. suggests the claimed invention of claims 1, 21, and 41 except for receiving information from facsimile equipment, which the Final Office Action further alleges is disclosed by Watanabe. The Final Office Action also alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis, Jr. “as taught by Watanabe” to electronically file documents received from parties involved in a transaction. (see Final Office Action pages 4-5).

The Appellants respectfully disagree with the above allegations because there are significant differences between Appellants’ invention and the teachings of Raveis, Jr., or Watanabe, or any combination thereof. First, out of the many limitations in Appellants’ independent Claims 1, 21, and 41, the Final Office Action sets forth only that Raveis teaches creating a real estate record on a server and receiving information from a plurality of sources as taught in ¶ 0017 and ¶ 0018. Moreover, Raveis and Watanabe fail to disclose, teach, or suggest, assigning a record identifier to a real estate record and associating received information to the real estate record using the record identifier. Nowhere is there any teaching in either reference of record identifiers, assigning a record identifier to a real estate record, prompting a sender of information to input the record identifier into a fax source, and associating the real estate record to the received information using the record identifier. The Examiner has identified Appellants record identifier with Raveis, Jr. teachings of a “customer record”. Nowhere in Raveis, Jr. is the “customer record” identified. Therefore, it is improper for the Examiner to read into the teachings of Raveis, Jr. that his “customer number” is in any form associated with a “real estate record” and that it is an “identifier” of a real estate record as is clearly taught by the Appellants. Further, the Final Office Action cites ¶ 0009 of Watanabe in support of the Examiner’s

conclusions, but a close review of this paragraph reveals that Watanabe recites a “receiver ID” to identify “receivers”. But Watanabe does not define a receiver or a receiver ID in any way, shape, or form. Watanabe’s receiver ID may or may not be an identification but, in any case, is not an identifier of a real estate record per Appellants’ teachings.

Therefore, notwithstanding the fact that the combination of teachings of the Raveis, Jr. and Watanabe references as suggested by the Final Office Action is not legally justified as will be discussed below, Appellants’ independent claims would still have novel and unobvious physical features over the proposed combination. In other words, any attempt at combining the cited references does not disclose all of the claimed features of Appellants’ invention and, therefore, the combination would necessarily constitute a different function and different result than the claimed invention.

**b. No Basis to Combine the Cited References And No Reasonable Expectation Of Success In Doing So**

One of ordinary skill in the art would have no basis for combining the teachings of Raveis, Jr. and Watanabe in order to attempt to replicate Appellants’ invention because, for example, there is no teaching, suggestion or motivation in the art to do so.

First, the Final Office Action asserts that the motivation to combine Raveis, Jr. and Watanabe is for the purpose of electronically filing documents received from parties in a transaction. But, this alleged motivation is a stated object of Watanabe, and such object is apparently satisfied using the teachings of Watanabe. Since this object is already satisfied by Watanabe’s own teachings, it is impossible to see how such a satisfied object could be the motivation for modifying Raveis, Jr. for use with Watanabe.

Second, the solutions taught by Raveis, Jr. and Watanabe are directed to problems totally different than that of Appellants' invention. For example, Raveis, Jr. is directed to the problem of shortcomings of business models for real estate companies that fail to maintain customer relationships and that leave a homeowner trying to manage repairs and improvements with little more than a telephone book for assistance. Also, the teachings of Watanabe are a solution for the problem of having to first print out a document to be faxed before transmitting the document using a fax machine.

In contrast, Appellants' teachings are directed to a problem not even recognized in the cited references when considering all the cited references singularly or collectively. Not a single applied reference mentions the potential problem of the inability to quickly and easily associate documentation with respective records in a database via, for example, email and/or fax transmissions from multiple locations. Absent a recognition of this problem, it would be impossible for this solution to be obvious to anyone, and the cited references cannot possibly suggest, singularly or in combination, a solution as novel as Appellants' invention.

Third, Watanabe teaches away from Appellants' invention. Whereas Watanabe teaches a complex multi-step process of scanning a special cover sheet and a document to be faxed, Appellants teach a one step process for input of a record identifier. More specifically, Watanabe teaches transmitting a special cover sheet having a receiver ID information and being attached to a document to be faxed, wherein the special cover sheet is set into an image scanner (ST1), and image information on the special cover sheet is acquired into an electronic terminal (ST2). In contrast, Appellants teach prompting a sender to input a record identifier into a fax source.

Watanabe's multi-step use of a separate special cover sheet is the opposite of Appellants' single step use of inputting a record identifier.

Thus, not only does Raveis, Jr. and Watanabe not meet all of Appellants' claim limitations, the Watanabe reference essentially teaches the opposite of Appellants claims. As stated in the MPEP, if any of the cited references teach away from the suggested combination, or teach away from the claims, or render any of the cited references unsatisfactory for their intended purpose, the claimed invention is distinguishable over the combination of cited references. See MPEP § 2145(X)(D)(1-2); 2141.02(VI). A *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

Fourth, one of ordinary skill in the art would not attempt to combine the references to yield the Appellants' invention in the manner suggested in the Final Office Action, because the suggested combination would result in a nonfunctional system. The resulting effect of the combination would be a method of tracking real estate transactions including generating a customer record with entry fields for entering estimated completion and actual completion dates for each of a plurality of stages of a real estate transaction and then, somehow, associating therewith received fax communications having a special cover sheet having receiver ID information for identifying receivers.

Exactly what is to be done with Watanabe's faxed communication is certainly not clear from the teachings of Raveis, Jr., wherein each of several users, i.e. real estate agent, transaction coordinator, and customers access a real estate tracking system for purposes of entering

estimated dates and actual completion dates for different stages of a real estate transaction so that progress reports with respect to the overall process may be provided to a customer as well as facilitate managing customer relations and information pertaining thereto. More specifically, there is absolutely no discussion as to how Raveis, Jr. would accommodate Watanabe's faxed communication, and it is impossible to understand how Watanabe's faxed communication could be entered into the date tracking records of Raveis, Jr. in the form of an estimated or actual completion date or in any other form.

The Final Office Action lacks a proper *prima facie* showing of obviousness. The Examiner has the burden of articulating a *prima facie* case of obviousness. Here, the Examiner has not established with sufficient evidence any teaching, suggestion, or motivation for combining the cited references and does not provide a proper reason to support the proposed combination. In fact, it is only through Appellants' own teachings and disclosure that one of ordinary skill in the art would appreciate the need for a combination of the elements provided according to Appellants' claims in order to solve the problems associated with the inability to quickly and easily associate documentation with respective records in a database via, for example, email and/or fax transmissions from multiple locations. In other words, but for Appellants' disclosure, there is no teaching, suggestion, or motivation whatsoever to combine the teachings of Raveis, Jr. and Watanabe in any way in order to obviate Appellants' invention. Accordingly, Appellants respectfully assert that the Office Action is an example of hindsight reconstruction in an attempt to obviate Appellants' invention after having the benefit of reading Appellants' disclosure.



In view of the foregoing remarks, it is respectfully submitted that the rejection of Claims 1, 21, and 41 under 35 USC § 103(a) is improper as a matter of law, and the Examiner's decision to reject these independent claims should be reversed.

**Claims 2, 22, and 42**

As previously discussed, Appellants respectfully submit that there is no suggestion, inference, or motivation to combine the teachings of Raveis, Jr. and Watanabe in order to obviate the independent Claims 1, 21, and 41. Additionally dependent Claims 2, 22, 42 recite additional features which patentably distinguish over the cited prior art. Further Claim 2, directly depends from Claim 1, Claim 22 directly depends from Claim 21, and Claim 42 directly depends from independent Claim 41. As a result of these dependencies, these claims contain all the features of the referenced independent claims. Therefore, Claims 2, 22, and 42 are also submitted to be patentably distinguishable over Raveis, Jr. and Watanabe and accordingly it is respectfully submitted that the rejection of Claims 2, 22, and 42 under 35 USC § 103(a) is improper as a matter of law.

**Claims 3, 23, and 43**

Claims 3, 23, and 43 recite transmitting the real estate record to a multiple listing service. Raveis, Jr. in ¶ 0099 teaches submitting the property listing to a multiple listing service. Appellants teach the use of an identifier to accomplish this element. Raveis, Jr. is completely silent as to the definition of a property listing as well as to the meaning of a customer record. Again, the Examiner is using the liberty of using Appellants' teachings and reading such teachings into the Raveis, Jr. prior art. Such hindsight reconstruction is not permissible.

Additionally, Claim 3 depends from Claim 1, Claim 23 depends directly on Claim 21, and Claim 43 depends on Claim 41, and by virtue of this dependency, the dependent claims contain all the features of the independent claims from which they depend. For all of these reasons, Claims 3, 23, and 43 are submitted to be patentably distinguishable over the cited prior art, and therefore, it is respectfully submitted that the rejection of Claims 3, 23, and 43 under 35 USC § 103(a) is improper as a matter of law.

#### **Claims 4, 24, and 44**

These dependent claims by principle of dependency add the limitation of converting the information received into a digital document to each of the independent claims they respectively depend from. Watanabe, in Claim 11, teaches converting the image to a document code. Again, the Examiner is taking the liberty of reading the Appellants' teaching into the Claim 11 language of Watanabe to reject these dependent claims. Watanabe is completely silent in defining what a document code is and the Examiner is using hindsight to read into Watanabe that the document code is a digital document. Again, this impermissible hindsight is not well taken. In view of the principle of dependency, Claims 4, 24, and 44 contain all the elements of the independent claims from which they directly depend. Therefore, for all of the above reasons set forth, the rejection of Claims 4, 24, and 44 under 35 USC § 103(a) is improper as a matter of law.

#### **Claims 5, 25, and 45**

As is clearly set forth at page 36, Watanabe teaches a "receiver 10" but completely fails to identify "receivers" nor does Watanabe define a receiver ID in any way, shape or form within

the complete prior art reference. Therefore, it is not known whether Watanabe's "receiver ID" is an identifier for a "real estate record" as it is taught by Appellants' invention and is set forth in the claims. Therefore, the Examiner's conclusion that Watanabe's "receiver ID" is identical to Appellants' "identifier" or "real estate record" is error. For these reasons and the fact that dependent Claims 5, 25, and 45 contain all the elements of the independent claims from which they depend, the rejection of Claims 5, 25, and 45 under 35 USC § 103(a) is improper as a matter of law.

**Claims 6, 26, and 46**

As set forth in the last argument, the "receiver ID" taught by Watanabe is nowhere defined and cannot be equated to Appellants' "identifier" without committing impermissible hindsight reconstruction. Therefore, saving the incoming document in accord with a matching real estate record as set forth in Claims 6, 26, and 46 which either directly or indirectly depends on their respective independent claims and contains each and every element of the independent claim which is obviated by the combination of the prior art. Accordingly, the rejection of Claims 6, 26, and 46 under 35 USC § 103(a) is improper as a matter of law.

**Claims 8, 28, and 48**

These claims depend directly on their respective independent claims. ¶ 0028 of Watanabe and ¶ 0007 of Raveis, Jr. teach absolutely nothing about a listing agent granting view rights to authenticate users or implementing security and measures with regard to stored information as is clearly claimed in Claims 8, 28, and 48. Further, these dependent claims

incorporate all the elements of the independent claims from which they directly depend. Therefore, it is respectfully submitted for the reasons set forth herein above, the rejection of Claims 8, 28, and 48 under 35 USC § 103(a) is improper as a matter of law.

**Claims 9, 29, and 49**

As set forth in the argument for Claims 8, 28, and 48, neither Raveis, Jr. in ¶ 0007 nor Watanabe in ¶ 0028 teach anything about a listing agent granting viewing rights or implementing security measure. Therefore, since each of these claims indirectly depend from respective independent claims, each element of the independent claims, by virtue of dependency, is contained in these dependent claims. For the above reasons, the rejection of dependent Claims 9, 29, and 49 under 35 USC § 103(a) is improper as a matter of law.

**Claims 10, 30 and 50**

Raveis, Jr. teaches that the marketing operations manager determines security protocols. However, it is clearly set forth hereinabove that Raveis, Jr. teaches the creation of a “customer record” which is not defined in the complete disclosure of Raveis, Jr. The Examiner has taken the liberty of equating the “customer record” to the “identifier” taught by Appellants’ invention. Again, as hereinabove set forth, this type of hindsight reconstruction is impermissible since Claims 10, 30, and 50 directly depend from their respective independent claims by virtue of this dependency, each of these dependent claims contain all of the elements of the respective independent claims from which each depends. Therefore, it is respectfully submitted for the

reasons set forth hereinabove, the rejection of Claims 10, 30, and 50 under 35 USC § 103(a) is improper as a matter of law.

**Claims 11, 31, and 51**

Dependent Claims 11, 31, and 51 recite the features of providing a masquerade function whereby one user can masquerade as a different user. By principle of dependency, Claims 11, 31, and 51 also recite each and every reference of the respective independent claims from which they depend. Appellants have carefully reviewed the entire disclosure of Raveis, Jr. as well as Watanabe and are unable to find any teachings whatsoever regarding the use of a masquerade function. Also, the Examiner failed to specify where this feature occurs in the Raveis, Jr. prior art. For these reasons, the rejection of Claims 11, 31, and 51 under 35 USC § 103(a) is improper as a matter of law.

**Claims 12, 32, and 52**

The Examiner cites ¶ 0003 of Raveis, Jr. as teaching the audit function that is added by these dependent claims. As this honorable Board can clearly verify ¶ 0003 of Raveis, Jr. is a four line description of the field of the invention. This rejection is not well taken. In the first place, the words “audit trail” are not found in the entire disclosure of Raveis, Jr. Secondly, these dependent claims incorporate the features of the respective independent claims from which they depend. Accordingly, by virtue of their dependency, each contains all the features of the respective independent claim. It is therefore respectfully submitted that the rejection of Claims

12, 32, and 52 under 35 USC § 103(a) is improper as a matter of law for the reasons set forth hereinabove.

**Claims 13, 33, and 53**

Since Raveis, Jr. discloses in ¶ 0073 that “agent”, “real estate agent”, “sales agent” and “real estate broker” are used interchangeably throughout, it is not clear whether he teaches that the system is capable for administration by a real estate broker, since based on the disclosure it could mean that the system is capable for being administered by an “agent”, “real estate agent” or “sales agent”. Such teaching is contrary to Appellants’ teachings since the limitations of these claims require only a real estate broker to be capable of administering the inventive method. For these reasons as well as by virtue of the principle of dependency, the rejection of Claims 3, 13, and 53 is improper as a matter of law.

**Claims 14, 34, and 54**

As set forth in the previous argument with regard to Claims 13, 33, and 53 in the preferred embodiment, a real estate broker is taught to be the administrator. It is the real estate broker who provides a list of third party companies to associate with the real estate record pursuant to Claims 14, 34, and 54. Again, this is contrary to the teachings of Raveis, Jr. who teaches “agents”, “real estate agents”, or “sales agent” to administrate the inventive method.

Accordingly, for the above reasons and by virtue of the principle of dependency, the rejection of Claims 14, 34, and 54 under 35 USC § 103(a) is improper as a matter of law.

**Claims 15, 35, and 55**

Based on the teachings of Raveis, Jr., the controlling of the scheduling as for a template according to Claims 15, 35, and 55 is the responsibility of the real estate broker and therefore this is contrary to the teachings of Raveis, Jr. as set forth under the previous two subtitles. Therefore, for the reasons set forth above and in view of the principle of dependency, the rejections of Claims 15, 35, and 55 under 35 USC § 103(a) is improper as a matter of law.

**Claims 16, 36, and 56**

Although Raveis, Jr. teaches that the translation tracking process includes developing schedules to define a time table, track completed items and include related information, such teachings does not add sufficient teachings to overcome the fact that the elements of the independent claims and intervening claims that Claims 16, 36, and 56 depend from are taught by Raveis, Jr. in combination with Watanabe. For example, the combination of the prior art teachings still fails to teach creating a real estate record, assigning a record identifier to said real estate record, receiving information from a fax source, prompting the sender to enter the record identifier and associating and storing the received information in association with said real estate record. It is therefore respectfully submitted that the rejection of Claims 16, 36, and 56 under 35 USC § 103(a) is improper as a matter of law.

**Claims 17, 37, and 57**

Each of Claims 17, 37, and 57 depend directly or indirectly on independent Claims 1, 21, or 41. Accordingly, the additional features recited in these dependent claims must be read in

conjunction with the features of the claims from which Claims 17, 37, and 57 depend. In view thereof, Raveis, Jr. and Watanabe either singularly or in combination fall to teach all of these features of Claims 17, 37, and 57. Accordingly, Claims 17, 37, and 57 set forth patentably distinguishable features over the cited documents. For all the above reasons, the rejection of Claims 17, 37, and 57 is improper as a matter of law.

**Claims 18, 38, and 58**

Raveis, Jr. in ¶ 0034 teaches an automated system of notification to the customer, move consultant, sales agent, and transaction coordinator. Such notification is extremely limited. For example, there is no such provision for real estate brokers. Appellants' invention according to Claims 18, 38, and 58 add the feature of generating email communications to one or more users. The invention as set forth teaches an unlimited number of users defined as in Figure 3A. Accordingly, the teaching of a very limited number of users is contrary to the teachings of Appellants' invention. Further, these claims depend directly from each of their respective independent claims, and by virtue of dependency, contain all of the features of each of the respective independent claims. For all of the above reasons, Claims 18, 38, and 58 is submitted to be patentably distinguishable over the cited prior art. Accordingly, the rejection of Claims 18, 38, and 58 under 35 USC § 103(a) is improper as a matter of law.

**Claims 19, 39, and 59**

Raveis, Jr. is completely devoid of any teachings whatsoever regarding the use of email as an advertising tool in association with the different phases of real estate transfers. Here, once



again, the Examiner is using hindsight reconstruction to reject these dependent claims. But for Appellants disclosure and teachings, the prior art is completely devoid of any teachings or disclosure which suggest the use of email communication of the inventive method to advertise information from the real estate record. For all of the above reasons, and by virtue of the principle of dependency, it is respectfully submitted that the rejection of Claims 19, 39, and 59 is improper as a matter of law.

#### **Claims 20, 40, and 60**

Raveis, Jr., in ¶ 0024 teaches the occurrence of progress reports to provide sellers with updates on marketing efforts to date for each customer record (customer record is not defined in Raveis, Jr.). Appellants' Claims 20, 40, and 60 claim the additional feature of generating reports from the real estate record. Again, the Examiner has taken the liberty of equating Raveis, Jr. customer records with Appellants' real estate record in spite of the fact that Raveis, Jr. has nowhere in the disclosure defined what a customer record is. Once again, the Examiner is using hindsight reconstruction in an attempt to obviate Appellants' invention after having the benefit of reading Appellants' application. It is therefore respectfully submitted that the rejection of Claims 20, 40, and 60 under 35 USC § 103(a) is improper as a matter of law.

#### **Conclusion**

For the reasons stated above, Appellants respectfully submit that all of the rejections standing in this application are improper. The Examiner has failed to establish a prima facie case of obviousness under 35 USC § 103(a) with respect to Claims 1-6, 8-26, 28-46, and 48-60 over

the cited prior art. Therefore, Appellants submit that Claims 1-6, 8-26, 28-46, and 48-60 are in condition for allowance and based on the above argument, reversal of all of the rejections under 35 USC § 112, first paragraph; 35 USC § 112, second paragraph; and 35 USC § 103(a) is respectfully requested.

Respectfully submitted,

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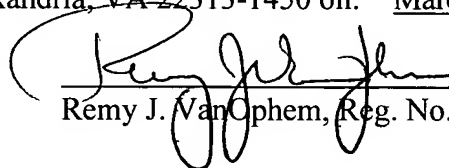
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Date: March 17, 2008



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**VIII. Claim Appendix**

1. A method for automating phases of real estate transfers, said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers, said method comprising the steps of:

creating a real estate record on said at least one server;

assigning a record identifier to the real estate record;

receiving information from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source;

prompting a sender of said information to input said record identifier into said fax source;

associating said information to said real estate record using the record identifier;

and

storing said information on said at least one server in association with said real estate record.

2. The method as claimed in claim 1, wherein said receiving step includes receiving at least some portion of a property listing from a multiple listing service.

3. The method as claimed in claim 1, further comprising the step of transmitting at least a portion of said real estate record to a multiple listing service.

4. The method as claimed in claim 1, further comprising:  
converting said information into a digital document to be associated and stored in accord with said associating and storing steps.

5. The method as claimed in claim 4, wherein said associating step comprises:

determining whether said record identifier matches any of a number of a plurality of real estate records; and

discarding said digital document if said determining step is negative.

6. The method as claimed in claim 5, wherein said storing step comprises saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

8. The method as claimed in claim 1, wherein said receiving step includes a listing agent reviewing said information and granting view rights to authenticated users, such that said users can access and view a digital representation of said information.

9. The method as claimed in claim 8, wherein said receiving step further includes said listing agent marking said information as secured or unsecured.

10. The method as claimed in claim 1, further comprising the step of providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

11. The method as claimed in claim 1, further comprising the step of providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users.

12. The method as claimed in claim 1, further comprising the step of tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like.

13. The method as claimed in claim 1, wherein said method is administered by a real estate broker.

14. The method as claimed in claim 13, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

15. The method as claimed in claim 13, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

16. The method as claimed in claim 15, further comprising the step of automatically generating a schedule for said real estate record from said scheduling master template.

17. The method as claimed in claim 16, wherein said generating step includes said schedule being automatically populated with a plurality of tasks and associated dates.

18. The method as claimed in claim 1, further comprising the step of automatically generating email communications to one or more of a plurality of users based on the happening of an event.

19. The method as claimed in claim 1, further comprising the step of automatically generating an email communication containing advertising information from said real estate record.

20. The method as claimed in claim 1, further comprising the step of generating reports from said real estate record.

21. A system for automating phases of real estate transfers, said system comprising:

- at least one server in a centralized location;
- a distributed computer network in communication with said at least one server;
- a plurality of client computers in communication with said distributed computer network;
- means for creating a real estate record on said at least one server;
- means for assigning a record identifier to the real estate record;
- means for receiving information from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source;
- means for prompting a sender of said information to input said record identifier into said fax source;
- means for associating said information to said real estate record using a record identifier associated with said real estate record; and
- means for storing said information on said at least one server in association with said real estate record.

22. The system as claimed in claim 21, wherein said means for receiving includes means for receiving at least some portion of a property listing from a multiple listing service.

23. The system as claimed in claim 21, further comprising means for transmitting at least a portion of said real estate record to a multiple listing service.

24. The system as claimed in claim 21, further comprising:

- means for converting said information into a digital document to be associated and stored in accord with said means for associating and said means for storing.

25. The system as claimed in claim 24, wherein said means for associating comprises:  
means for determining whether said record identifier matches any of a number of  
a plurality of real estate records; and  
means for discarding said digital document if said means for determining is  
negative.

26. The system as claimed in claim 25, wherein said means for storing comprises  
means for saving said digital document on said at least one server in accord with a matching real  
estate record if said means for determining is positive.

28. The system as claimed in claim 21, wherein said means for receiving includes a  
listing agent reviewing said information and granting view rights to authenticated users, such that  
said users can access and view a digital representation of said information.

29. The system as claimed in claim 28, wherein said means for receiving further  
includes said listing agent marking said information as secured or unsecured.

30. The system as claimed in claim 21, further comprising means for providing  
security clearance and access over said distributed computer network to at least some portions of  
said real estate record to a plurality of different users depending upon an assigned role of a user  
among said plurality of different users, said plurality of different users including buyers, sellers,  
brokers, managers, agents, financial entities, other third parties, or the like.

31. The system as claimed in claim 21, further comprising means for providing a  
masquerade function whereby one of said plurality of different users can masquerade as another  
of said plurality of different users.

32. The system as claimed in claim 21, further comprising means for tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like.

33. The system as claimed in claim 21, wherein said system is administered by a real estate broker.

34. The system as claimed in claim 33, further comprising means for controlling at least a portion of said information by said real estate broker, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

35. The system as claimed in claim 33, further comprising means for controlling at least a portion of said information by said real estate broker, said at least a portion of said information including a scheduling master template.

36. The system as claimed in claim 35, further comprising means for automatically generating a schedule for said real estate record from said scheduling master template.

37. The system as claimed in claim 36, wherein said means for generating includes said schedule being automatically populated with a plurality of tasks and associated dates.

38. The system as claimed in claim 21, further comprising means for automatically generating email communications to one or more of a plurality of users based on the happening of an event.



39. The system as claimed in claim 21, further comprising means for automatically generating an email communication containing advertising information from said real estate record.

40. The system as claimed in claim 21, further comprising means for generating reports from said real estate record.

41. A computer readable medium on which is stored computer program code, said computer program code implementing a method for automating real estate transfers, said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers, said method comprising the steps of:

creating a real estate record on said at least one server;

assigning a record identifier to the real estate record;

receiving information from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source;

prompting a sender of said information to input said record identifier into said fax source;

associating said information to said real estate record using a record identifier associated with said real estate record; and

storing said information on said at least one server in association with said real estate record.

42. The computer readable medium as claimed in claim 41, wherein said receiving step includes receiving at least some portion of a property listing from a multiple listing service.

43. The computer readable medium as claimed in claim 41, further comprising the step of transmitting at least a portion of said real estate record to a multiple listing service.

44. The computer readable medium as claimed in claim 41, further comprising:  
converting said information into a digital document to be associated and stored in accord with said associating and storing steps.

45. The computer readable medium as claimed in claim 44, wherein said associating step comprises:

determining whether said record identifier matches any of a number of a plurality of real estate records; and

discarding said digital document if said determining step is negative.

46. The computer readable medium as claimed in claim 45, wherein said storing step comprises saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

48. The computer readable medium as claimed in claim 41, wherein said receiving step includes a listing agent reviewing said information and granting view rights to authenticated users, such that said users can access and view a digital representation of said information.

49. The computer readable medium as claimed in claim 48, wherein said receiving step further includes said listing agent marking said information as secured or unsecured.

50. The computer readable medium as claimed in claim 41, further comprising the step of providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users

including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

51. The computer readable medium as claimed in claim 41, further comprising the step of providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users.

52. The computer readable medium as claimed in claim 41, further comprising the step of tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like.

53. The computer readable medium as claimed in claim 41, wherein said computer readable medium is administered by a real estate broker.

54. The computer readable medium as claimed in claim 53, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

55. The computer readable medium as claimed in claim 53, further comprising the step of said real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

56. The computer readable medium as claimed in claim 55, further comprising the step of automatically generating a schedule for said real estate record from said scheduling master template.

57. The computer readable medium as claimed in claim 56, wherein said generating step includes said schedule being automatically populated with a plurality of tasks and associated dates.

58. The computer readable medium as claimed in claim 41, further comprising the step of automatically generating email communications to one or more of a plurality of users based on the happening of an event.

59. The computer readable medium as claimed in claim 41, further comprising the step of automatically generating an email communication containing advertising information from said real estate record.

60. The computer readable medium as claimed in claim 41, further comprising the step of generating reports from said real estate record.

**IX. Evidence Appendix**

None.

**X. Related Proceedings Appendix**

None.